

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

TRUEBLUE, INC. and
PEOPLEREADY, INC.

Defendants.

Civil Action No. 1:21-cv-1098

CONSENT DECREE

CONSENT DECREE

This Action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (“the Commission” or “EEOC”), against TrueBlue, Inc., and PeopleReady, Inc., (“Defendant TrueBlue,” “Defendant PeopleReady,” and collectively “Defendants”), alleging violations of Sections 102(a) and 102(b)(5)(A) of the Americans with Disabilities Act of 1990, as amended (“the ADA”), 42 U.S.C. §§ 12112(a) and 12112(b)(5)(A), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The Commission alleged that Defendants discriminated against former employee Kaneia Jaime (“Jaime”) by denying her reasonable accommodations and by terminating her employment because of her disability and the need to accommodate her disability, anxiety and bipolar I disorder, and/or in retaliation for her requesting reasonable accommodations.

The Parties desire to resolve this action without the time and expense of litigation and discovery and, as a result, have jointly formulated a plan to be embodied in a Consent Decree (“Decree”) that will promote and effectuate the purposes of the ADA. There has been no adjudication as to the merits of any claim in this case. This Decree shall not constitute an adjudication on the merits of the Commission’s case and shall not be construed as any admission by Defendant of liability or of any discriminatory practice. Nor shall it be construed as a waiver by the Commission of any contentions of discrimination.

It is **ORDERED, ADJUDGED, AND DECREED:**

1. This Decree resolves all claims alleged in the Complaint filed by the Commission in this ADA action, which emanated from the Charge of Discrimination filed by Kaneia Jaime, EEOC Charge No. 570-2019-01525.

2. This Decree shall be in effect for a period of two (2) years from the date it is entered by the Court.

NON-DISCRIMINATION

3. Defendants and their officers, directors, agents, employees, successors, assigns, and all persons in active concert or participation with any of them are hereby enjoined from violating the ADA and will not discriminate against qualified individuals on the basis of disability, and shall provide reasonable accommodations to qualified disabled individuals absent undue hardship.

4. Defendants shall not retaliate, coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of any right granted and protected by the ADA.

5. In furtherance of compliance with Paragraphs 3 and 4, Defendants will engage in the interactive process with qualified individuals with disabilities who may require intermittent or continuous leave as a reasonable accommodation. When Defendants approve leave as a

reasonable accommodation, they will not penalize qualified individuals with disabilities, whether through the disciplinary process or through any surcharge on the payment of insurance premiums, for taking this leave.

MONETARY RELIEF

6. Within thirty (30) days of entry of the decree by the Court, Defendants shall pay Jaime a total of \$125,000.00 in monetary relief (“Monetary Relief”). The Monetary Relief represents \$49,048 in lost wages and non-wage compensation (“back pay”), \$4,928 in interest on back pay, and \$71,024 in damages under 42 U.S.C. § 1981a (“Section 1981a damages”).

7. For back pay, Defendants shall withhold all applicable employee taxes and statutory deductions from the payment to Jaime. Plaintiff shall not be responsible for the payment of Defendants’ employer-side taxes. Defendants shall report the back pay payment, and applicable withholdings, to the IRS and Jaime via an IRS Form W-2 for the 2022 tax year.

8. For interest and Section 1981a damages, withholdings and deductions shall not apply. Defendants shall report such payments to the IRS and Jaime via an IRS Form 1099 for the 2022 tax year.

9. Defendants shall send the Monetary Relief directly to Jaime by certified mail or express delivery service, to an address provided by the Commission. Jaime shall receive two checks, one constituting back pay and another constituting interest and Section 1981a damages.

10. Within three (3) days of payment of the Monetary Relief, Defendants shall email a photocopy of the checks, along with a photocopy of the certified mail receipt or other documentation of delivery, to the Commission’s counsel of record, Ashley Martin, at Ashley.Martin@eeoc.gov.

ADA POLICY AND DISSEMINATION

11. Within sixty (60) days from the date of entry of the Decree, Defendants will:

A. implement and electronically publish where PeopleReady's employment policies are located an ADA Reasonable Accommodation policy that guarantees efforts to provide reasonable accommodations to qualified individuals with disabilities, including, but not limited to, medical leave, and will include interactive communications and individualized assessments to determine what accommodations would be reasonable and effective given the circumstances of each respective disabled individual;

B. continue notifying all applicants in writing of their rights under the ADA to request reasonable accommodations; and

C. designate specific individuals or positions to which requests for accommodations should be directed by applicants or employees and include in its ADA Reasonable Accommodation Policy instructions on how to request an accommodation.

12. Within fifteen (15) days of publishing the ADA policy, as set forth in Paragraph 11, Defendants shall email to the Commission's counsel of record, Ashley Martin at ashley.martin@eeoc.gov, a copy of the ADA policy and a declaration from a responsible official of Defendant TrueBlue and Defendant PeopleReady authenticating the policy and verifying that it has been electronically published where copies of PeopleReady's employment policies are traditionally located.

TRAINING

13. Within sixty (60) days from the date of entry of the Decree, Defendants shall provide no less than two (2) hours of training for all Branch Managers in the state of Virginia and their immediate supervisors, the PeopleReady Human Resources team, the PeopleReady

Employee Relations team, and the Leave Department team (“Management/HR Personnel”). The training shall be provided by an attorney, human resources professional, or similar professional with expertise in ADA compliance and may be virtual or in-person. The training will include the following: (1) an explanation of the ADA with an emphasis on reasonable accommodation and the interactive process; (2) employees’ rights under the ADA; (3) Defendants’ duty not to discriminate against qualified individuals based on their disabilities or their need for reasonable accommodation; (4) Defendants’ duty to provide reasonable accommodations to qualified individuals with disabilities, including providing excused medical leave as a reasonable accommodation; (5) an explanation of Defendants’ ADA policy and procedures; and (6) Management/HR Personnel’s role in ensuring that employees who need reasonable accommodations receive such accommodations and the steps Management/HR Personnel are expected to take to ensure Defendants’ compliance with the ADA. Defendants shall also provide this training to all new Virginia Management/HR Personnel within thirty (30) days of their hire, promotion, or transfer to a Management/HR Personnel role.

14. Within ten (10) days of the training required under Paragraph 13, Defendants shall email certification to the Commission’s counsel of record at the Washington Field Office, Ashley Martin, at ashley.martin@eeoc.gov, that the training required in Paragraph 13 was provided.

15. Defendants will bear all expenses of the training required under Paragraph 13.

POSTING

16. Within ten (10) days after entry of the Decree, Defendants shall post, in all places where notices to employees customarily are posted within PeopleReady branch offices located in the state of Virginia, the Notice attached hereto as Exhibit A and made a part hereof as well as a copy of the ADA Accommodation Policy (the “Policy”). Said Notice and Policy shall be posted

and maintained for the life of the Decree with the date of actual posting shown thereon. Should the Notice and/or Policy become defaced, marred, or otherwise made unreadable, Defendants shall ensure that new, readable copies of the Notice and/or Policy are posted in the same manner as heretofore specified. Within ten (10) days of completion of the required posting, Defendants shall forward to the Commission's counsel of record at the Washington Field Office, Ashley Martin, ashley.martin@eeoc.gov, a copy of the signed Notice attached hereto, written certification that the Notice and Policy referenced herein have been posted as required, and a statement of the locations and date(s) of posting.

DISPUTE RESOLUTION AND COMPLIANCE REVIEW

17. This Court shall retain jurisdiction to enforce the terms of this Decree and will have all available powers to enforce this Decree including, but not limited to, monetary sanctions and injunctive relief.

A. Upon motion of the Commission, this Court may schedule a hearing for the purpose of reviewing compliance with this Decree. Each party shall bear its own costs, expenses and attorneys' fees incurred in connection with such action; and

B. Jurisdiction to resolve any dispute arising under this Decree resides in the United States District Court for the Eastern District of Virginia.

REPORTING REQUIREMENTS

18. Every six (6) months, commencing six (6) months after the entry of this Decree by the Court, Defendants shall provide written reports to EEOC counsel of record, Ashley Martin at ashley.martin@eeoc.gov, identifying all internal complaints of disability discrimination made by PeopleReady employees employed in the state of Virginia for the preceding six-month period. The final written report shall be due ten (10) days prior to the expiration of this Decree.

19. Each report shall identify all persons who complained to Defendants of disability discrimination during the reporting period and a description of their complaint. Such identification shall include: the name, address, and telephone numbers for the complaining party.

20. Each report shall include a detailed description of all action taken in response to each complaint.

MISCELLANEOUS

22. The Commission and Defendants shall bear their own costs and attorneys' fees.

23. The terms of the Decree are and shall be binding upon (a) Defendants; (b) all present and future parents of Defendants; and (c) all present and future owners, officers, directors, employees, agents, trustees, administrators, successors, representatives, governing board members, or assigns of Defendants.

24. When this Decree requires the submission of any documents to the Commission, if not otherwise indicated in the Decree or Attachments, they shall be emailed to EEOC counsel of record Ashley Martin, ashley.martin@eeoc.gov.

The undersigned counsel of record hereby consent to the entry of the foregoing Consent Decree.

**FOR PLAINTIFF
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

/s/ Debra M. Lawrence
DEBRA M. LAWRENCE
Regional Attorney

/s/ Maria L. Morocco
MARIA L. MOROCCO
Supervisory Trial Attorney
Va. Bar I.D. 94043
Attorney for Plaintiff

**FOR DEFENDANTS
TRUEBLUE, INC. AND
PEOPLEREADY, INC.**

/s/ Barbara L. Johnson
BARBARA L. JOHNSON
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Attorney for Defendants
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/s/ Ashley M. Martin
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ashley.martin@eeoc.gov

IT IS SO ORDERED:

Signed and entered this _____ day of _____, 2022.

Hon. Claude M. Hilton, United States District Judge
United States District Court for the Eastern District of Virginia

EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

POSTED PURSUANT TO FEDERAL COURT ORDER

This Notice is being posted pursuant to a federal court order voluntarily resolving a disability discrimination lawsuit brought by the United States Equal Employment Opportunity Commission (the "Commission") against TrueBlue, Inc. and PeopleReady, Inc. ("PeopleReady") in the United States District Court for the Eastern District of Virginia. In that lawsuit, *EEOC v. PeopleReady, Inc. et al*, Case No. 1:21-cv-01098, the Commission alleged that PeopleReady violated the Americans with Disabilities Act of 1990, as amended (the "ADA"). 42 U.S.C. Section 12101, *et seq.*, and PeopleReady disputes it engaged in any discriminatory practice.

The Commission is a federal agency which investigates charges of unlawful employment discrimination and brings lawsuits in federal court to enforce the ADA. The ADA prohibits discrimination against qualified employees and applicants with disabilities. Under the ADA, employers are required to provide qualified employees or applicants with a disability a reasonable accommodation, absent undue hardship, that permits him/her to perform the essential functions of his/her existing or desired position or to enjoy equal benefits or privileges of employment. Employers are affirmatively required to engage in an interactive process to provide reasonable accommodations to employees with a disability. Further, federal law prohibits retaliation against individuals for engaging in protected activity, which can include, for example, requesting a reasonable accommodation, filing a charge with the Commission, or otherwise assisting or participating in an employment discrimination investigation, hearing, or proceeding.

To resolve this lawsuit, PeopleReady and the Commission have entered into a Consent Decree which provides, among other things, that PeopleReady (1) will not discriminate on the basis of disability; (2) will engage in the interactive process to provide reasonable accommodations to disabled employees, including medical leave and assistance to perform the essential duties of employment; (3) will train Virginia managers, Human Resources team, Employee Relations team, and Leave Department team concerning the federal laws prohibiting disability discrimination, reasonable accommodations, and PeopleReady's policies on these matters; and (4) will post on its website and in Virginia Branches a copy of the ADA reasonable accommodation policy.

If you believe you have been discriminated against, you may contact the Commission at (800) 669-4000 or (202) 921-2970, or email the Washington Field Office at info@eeoc.gov. This Notice must remain posted for two years from the date below and must not be altered, defaced, or covered by any other material.

Dated: _____

Shawna Moore, Head of Global Hotline and
Associate Relations, PeopleReady, Inc.